



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



Gary B Fitzgerald
High Rock Development LLC
145 Old Town Rd
Weare, NH 03281

LETTER OF DEFICIENCY

#SP-2004-01

January 13, 2004

RE: DES Wetlands File #2003-02878 Daniels Rd, Weare

Dear Mr. Fitzgerald

On January 6, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Weare Tax Map 110, Lot 77, Daniels Road, Weare, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, The Comprehensive Shoreland Protection Act; RSA 482-A, New Hampshire Wetlands Law; and RSA 485-A:17, as well as the applicable rules promulgated by these statutes. During the inspection the following deficiencies were noted:

1. A contiguous area of the property exceeding six acres has been logged and stumped. In accordance with RSA 483-B:9,V(c)(3) a permit pursuant to RSA 485-A:17 is required whenever there is a contiguous disturbed area exceeding 50,000 square feet that is partially or wholly within protected shoreland.
2. Erosion controls had been installed on the site adjacent to Daniels Lake, but had not been trenched into the ground. DES requested that haybales be added along the upland side of the fence to improve filtering capacity. You were advised to monitor the erosion control measures on a regular basis, and to trench the silt fence as soon as the ground thaws.
3. During the inspection there was 3" to 4" of fresh snow on the ground. DES was not able to conclusively determine whether wetlands impacts had occurred on the property. A spring inspection will be necessary to make that determination.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, apply for a Site Specific Permit. Enclosed is an application and fact sheets for your assistance.
2. Within 10 days of receipt of this letter, submit photographs to DES showing that the existing erosion controls have been improved by installing haybales as requested by DES.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, and proper installation and maintenance of erosion control measures. Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley at (603) 271-6876.

Sincerely,

 **COPY**

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL # 7002 3150 0001 5386 8283

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Weare Conservation Commission
Weare Board of Selectmen
Arthur Siciliano Jr. - Consultant